/211 cont./

423 The geophysical conditions of the region limit the likelihood
428 of agricultural land, which is reduced to strips on the banks of streams or even to the beds of these streams, which are dry during the summer months, and to the immediate environs of wells. As a consequence this limitation has resulted in these arable portions being traditionally in the hands of a number of small families of the clan group, who hold them among themselves; and the right of usufruct is passed from uncle to nephew following the maternal line, in such a manner that, within the common ownership which governs clan land, these plots are a kind of private family property. It is for this reason that a man owning a piece of this land will parcel it out to his nephews, the sons of his sister, when these youths reach an age in which their capacity for labor fits them for agricultural work. Thus it is true that by this system /212/ of inheritance, the ownership of agricultural land is kept in the clan, but held also by a particular family of the clan.

423 One can also mention a second form of access to arable land: when the father cedes to his sons a part of his ownership for its usufruct and in order that they may help to maintain the home. But the use of this plot can be in effect only during the father's lifetime because when he dies his nephews, the sons of his sister and his legitimate heirs, will take definitive possession of the land. [177] Only in the process of acculturation does this system break down, since with Catholic marriage it is the father's sons and not the nephews who become the recognized heirs of such property.

One may also obtain possession of plots of agricultural land by the opening up of new land, which occurs when the traditional family lands lose their fertility or are reduced in size due to successive inheritance. But for some years this phenomenon has been quite rare for two reasons: the prolongation of summers, which makes agricultural work impossible, and emigration, of which we have already spoken extensively in this study.

423 The agricultural plot, which is almost individual property,
425 can be demarcated by its owner. We say almost individual ownership because the right to it may be sold. /But/ there is this fundamental principle with reference to immovable property:

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423 425 It is inalienable. That is, it cannot be sold or given to another group or to a white, as the sale or gift would have no legal value. The only element that is marketable in the property is the right of usufruct. Thus with regard to land, ownership is established as follows: 1) Agricultural products are the sole individual property, with conditions of use and abuse. The individual may sell it, give it away, destroy it, etc. 2) Traditional agricultural land is also almost individual property because anyone may dispose of it within the circle of his immediate consanguineous relatives by willing it. What can be inherited, however, is not the land itself but the right to cultivate it. And this right is reduced to a limited number of families within the clan.

423 425 Another aspect which we should consider in the distribution of clan land is that of the pasturing zones. Nomadic pasturing is the most important occupation in the economic life of La Guajira, but it is subject to the geographic conditions of the peninsula, and it is especially determined by the presence or absence of water, as this element is indispensable for making use of the territories /213/ available for pasture; in addition, the concept of wasteland is likewise ruled by lack of water. Water, furthermore, after the introduction of stock raising, which was initiated during the time of the Colony, caused the evolution of the concept of ownership in communal land. We shall see how.

We know that before the introduction of stock raising into La Guajira, land was distributed among the different clan groups, and that among them there existed communal use for hunting and collecting, activities that still subsist. It would appear that in that epoch the zones of greatest value were under the dominion of certain families who regularly enjoyed their usufruct. Dwellings under the special conditions of their economic activities were very mobile and improvised. On accepting stock raising as the chief activity in their economy, the Guajiro, forced by the physical and climatic conditions of the land, continued the nomadic life he was accustomed to, driving his herd at different seasons to the regions of best pasturage when this was scarce, and being guided

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231 find themselves in difficulties. In payment for this benefit of
361 pasturage and use of water a cow /res/ or goat is given on enter-
423 ing. Also, it is customary voluntarily to give another animal when leaving, or a personal gift to the head of the region visited.

423 Recently a new aspect of this general situation has risen:
425 Small but well-to-do families construct a well near their dwell-
178 ings or in the adjacent pasture land without any assistance from the community. The other Guajiro admit that the family who made this well has first right to its use but affirm that they are under obligation to permit it to be used by others when in need. Nevertheless, it is becoming common for well-to-do families to deny its use even to needy individuals of their own clan, with whom they no longer wish to recognize family ties that would otherwise bind them.

These phenomena have made the concept of communal land ownership evolve. By depriving others of access to the sources of water supply, rich families usurp for themselves the common lands to which this water source is essential. In this way zones of private property are established which permit more sedentary stock raising as well as the construction of sounder and more comfortable dwellings. These new landowners are beginning to fence off their property into veritable haciendas, a state of affairs which were never before seen in the former stages of social evolution.

Another fact that is giving rise to private ownership of land is the reclaiming of wasteland by the construction of wells, since whoever makes one becomes the individual owner of the land involved, land which can be transmitted by inheritance according to the norms of inheritance already studied. /215/

In addition to the cases noted, there is another system of acquiring land, and it is the usurpation of the property of those conquered in a war provoked by the breaking of the regimen for personal security and collective stability of a clan group. Such land, distributed with all the other goods taken from those conquered, goes to enrich the family property of the victors.